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Docket No.: ID-8311

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By: Severin Kier Date: 2/27/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Smith et al.	Confirmation No. 8814
Applic. No.	:	10/728,385	
Filed	:	December 5, 2003	
Title	:	Flexible Tissue Retractor and Method for Using the Retractor	
Examiner	:	Julian W. Woo	
Art Unit:	:	3731	
Docket No.	:	ID-8311	
Customer No.	:	27,316	

R E S P O N S E

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated January 30, 2006, the following remarks are made:

The Examiner issued a Restriction Requirement in items 1 and 2 on pages 2 and 3 of the Office action with Group I containing claims 1 to 49 and 66 to 69 and Group II containing claims 50 to 65.

In response to the comments directed to the Restriction Requirement, Applicants hereby affirm the election to prosecute the invention of Group I, claims 1 to 49 and 66 to 69. The Examiner is kindly requested to treat the non-elected claims under In re Ochiai, 37 USPQ2d 1127 (Fed. Cir.

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Appl. No. 10/728,385
Response dated February 27, 2007
Reply to Office action of January 30, 2007

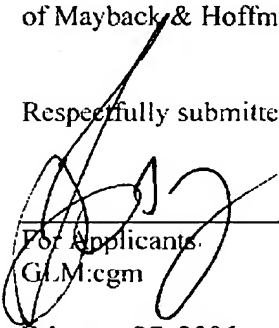
1995); see also 1184 OG 86 (March 26, 1996) and In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1996).

The Examiner also issued an Election of Species Requirement in items 3 and 4 on pages 3 and 4 of the Office action. The Election of Species Requirement, however, was directed to the non-elected claims of Group II. Therefore, it is believed that this Election Requirement is moot.

In view of the foregoing, the early issuance of an Action on the merits of claims 1 to 49 and 66 to 69 is solicited.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Mayback & Hoffman, P.A., No. 503,836.

Respectfully submitted,


For Applicants.
G.L.M.:cgm

Gregory L. Mayback
Reg. No. 40,719

February 27, 2006

MAYBACK & HOFFMAN, P.A.
5722 S. Flamingo Road #232
Fort Lauderdale, Florida 33330
Office: 954.704.1599
Fax: 954.704.1588
greg@mayback.com
www.mayback.com